

SENATE SUBSTITUTE

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HOUSE BILL NO. 1566

AN ACT

2 To amend chapter 208, RSMo, by adding thereto  
3 two new sections relating to medical  
4 assistance cost containment within the  
5 Medicaid program.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
7 AS FOLLOWS:

8 Section A. Chapter 208, RSMo, is amended by adding thereto  
9 two new sections, to be known as sections 208.147 and 208.212, to  
10 read as follows:

11 208.147. 1. The department shall conduct an annual income  
12 and eligibility verification review of each recipient of medical  
13 assistance. Such review shall be completed not later than twelve  
14 months after the recipient's last eligibility determination.

15 2. The annual eligibility review requirement may be  
16 satisfied by the completion of a periodic food stamp

1 redetermination for the household.

2 3. (1) The department shall require recipients to provide  
3 documentation for income verification for purposes of the  
4 eligibility review described in subsection 1 of this section.  
5 Such documentation may include, but not be limited to:

6 (a) Current wage stubs;

7 (b) A current W-2 form;

8 (c) Statements from the recipient's employer; and

9 (d) A wage match with the division of employment security.

10 (2) The family support division may also verify information  
11 through inquiry into the personal property and driver's licensing  
12 systems of the department of revenue, or through other data  
13 matches.

14 4. The department shall by rule establish procedures that  
15 require applicants or recipients to disclose at the time of  
16 application or the annual eligibility review whether their  
17 employer offers employer-sponsored health insurance that they are  
18 eligible to receive, whether the applicant or recipient  
19 participates in the employer-sponsored health insurance program,  
20 and to disclose the applicant's or recipient's reason for not  
21 participating in the employer-sponsored plan, if applicable.

22 5. The department shall establish by rule procedures that  
23 require any applicant or recipient who is employable but who is  
24 unemployed at the time of application or the annual eligibility  
25 review, to disclose whether they have sought employment.

1       6. Any rule or portion of a rule, as that term is defined  
2       in section 536.010, RSMo, that is created under the authority  
3       delegated in this section shall become effective only if it  
4       complies with and is subject to all of the provisions of chapter  
5       536, RSMo, and, if applicable, section 536.028, RSMo. This  
6       section and chapter 536, RSMo, are nonseverable and if any of the  
7       powers vested with the general assembly pursuant to chapter 536,  
8       RSMo, to review, to delay the effective date, or to disapprove or  
9       annul a rule are subsequently held unconstitutional, then the  
10       grant of rulemaking authority and any rule proposed or adopted  
11       after August 28, 2004, shall be invalid and void.

12       208.212. 1. For purposes of Medicaid eligibility,  
13       investment in annuities shall be limited to those annuities that:

14       (1) Are actuarially sound as measured against the Social  
15       Security Administration Life Expectancy Tables, as amended;

16       (2) Provide equal or nearly equal payments for the duration  
17       of the device and which exclude "balloon" style final payments;  
18       and

19       (3) Provide the state of Missouri secondary or contingent  
20       beneficiary status ensuring payment if the individual predeceases  
21       the duration of the annuity, in an amount equal to the Medicaid  
22       expenditure made by the state on the individual's behalf.

23       2. The department shall establish a thirty-six month look-  
24       back period to review any investment in an annuity by an  
25       applicant for Medicaid benefits. If an investment in an annuity

1 is determined by the department to have been made in anticipation  
2 of obtaining or with an intent to obtain eligibility for Medicaid  
3 benefits, the department shall have available all remedies and  
4 sanctions permitted under federal and state law regarding such  
5 investment. The fact that an investment in an annuity which  
6 occurred prior to the effective date of this section does not  
7 meet the criteria established in subsection 1 of this section  
8 shall not automatically result in a disallowance of such  
9 investment.

10 3. The department of social services shall promulgate rules  
11 to administer the provisions of this section. Any rule or  
12 portion of a rule, as that term is defined in section 536.010,  
13 RSMo, that is created under the authority delegated in this  
14 section shall become effective only if it complies with and is  
15 subject to all of the provisions of chapter 536, RSMo, and, if  
16 applicable, section 536.028, RSMo. This section and chapter 536,  
17 RSMo, are nonseverable and if any of the powers vested with the  
18 general assembly pursuant to chapter 536, RSMo, to review, to  
19 delay the effective date, or to disapprove and annul a rule are  
20 subsequently held unconstitutional, then the grant of rulemaking  
21 authority and any rule proposed or adopted after August 28, 2004,  
22 shall be invalid and void.